

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|---|--------------|
| EVA S. LUCAS COOPER OAKS, |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 2:14-CV-1339 |
| |) | |
| THE STATE OF OHIO, |) | |
| Respondent. |) | |

MEMORANDUM and ORDER

Mitchell, M.J.:

Eva S. Lucas Cooper Oaks has presented a petition for a writ of habeas corpus for which she has paid the filing fee and which she seeks leave to further prosecute in forma pauperis.

At the time the petition was filed, October 2, 2014, petitioner was residing in Monroeville, Pennsylvania but according to her submission, she is scheduled to commence serving a 90 day sentence imposed by the Franklin County, Ohio Court of Common Pleas to be served at the FCCC located in Columbus, Ohio.¹ On her forma pauperis application, petitioner represents that she is being held at FCCC II in Columbus Ohio.

It is provided in 28 U.S.C. § 1631:

Whenever a civil action is filed in a court ... and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action ... to any other such court in which the action ... could have been brought at the time it was filed ...

While the petitioner's residence is within the Western District of Pennsylvania, the trial court which sentenced her is located in Fulton County, Ohio which is located in the Southern District of Ohio- Eastern Division. It, therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Southern

¹ The petitioner was sentenced to serve a sentence at the Fulton County Community Control on April 23, 2009 and following a revocation hearing the Court imposed the following additional conditions:

1. Serve 90 days at the FCCC from 10-1-14 at 9:00 a.m. to 12-29-14 at 8:00 a.m. the defendant's community control will be terminated upon completion of those days.
2. Miscellaneous hearing scheduled for 10-1-14 at 9:00 a.m.

District of Ohio, Eastern Division

An appropriate Order will be entered.

ORDER

AND NOW, this 6th day of October, 2014 for the reasons set forth in the foregoing Memorandum, IT IS ORDERED that the above captioned case be transferred forthwith to the United States District Court for the Southern District of Ohio – Eastern Division pursuant to 28 U.S.C. § 1631, and

IT IS FURTHER ORDERED, that petitioner's Motion to Stay (ECF 4) be dismissed without prejudice.

s/ Robert C. Mitchell
United States Magistrate Judge